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SH#2280567 FO#2285568

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 4, 2011
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2280567 / FO2285568
Incident:	Hit Shooting / Use of Force
Incident Date:	January 10, 2011
Unit:	Parks Bureau / FOR II
Suspect:	Ryan Earnest Moore MW/39
Involved Employees:	Deputy Alejandro Ramirez #[redacted]
EFRC Date:	October 6, 2011

On October 6, 2011, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Todd Rogers, and Commander David Fender met and reviewed the above case. The applicable policies that were evaluated were: MPP 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

FINDINGS:

The Committee determined that the force used by Deputy Alejandro Ramirez was reasonable, necessary, and in compliance with Department Policy. The Committee also determined that the tactics used by Deputy Ramirez were sound and reasonable.

RECOMMENDATIONS:

The Committee recommended that the unit commander continue to brief the tactical issues regarding this incident to all Parks Bureau personnel.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

May 12, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 11-0025
L.A.S.D. File # 011-00013-8339-056

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 10, 2011, non-fatal shooting of Ryan Ernest Moore by Los Angeles County Sheriff Deputy Alejandro Ramirez. It is our conclusion that Deputy Ramirez acted in lawful self-defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Tim O'Quinn and Brian Schoonmaker, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on January 10, 2011, at approximately 9:40 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Supervising Investigator Leigh Ann Fernstrom, responded and was given a briefing and a walk-through of the scene. Deputy Ramirez provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On January 10, 2011 at 7:23 p.m., Deputies Alejandro Ramirez and Shelly DeLeon responded to Peck Road Water Conservation Park (Peck Park) to assist other deputies with a domestic violence call. They were both in full uniform and driving marked black and white police vehicles. Deputies contacted [redacted] who alleged that her [redacted] Ryan Moore, threw a concrete rock at her and struck her with a wooden board and plastic chair. [redacted] and Moore lived together in a tent located on a dirt embankment adjacent to a water reservoir in Peck Park. Ramirez and DeLeon conducted a search of the park in their police vehicles in an attempt to locate Moore.

Ramirez and DeLeon located the tent Moore occupied with [redacted] They heard a dog growling and barking in an aggressive manner as they approached the tent. Ramirez illuminated the tent with his vehicle spotlights and also used his flashlight.[1] Moore was crouched down in the tent opening holding a rope attached to a pit bull. Ramirez, who was closest to Moore, removed his service weapon from the holster and called out, "Sheriff's Department." Moore said, "Who's that?" Ramirez replied, "This is the Sheriff's Department, pull your dog back." Moore responded, "You ain't no fucking police," and lurched out of the tent. DeLeon heard Moore threaten to set the dog on them. It appeared to Ramirez that he was about to turn the pit bull loose. Ramirez identified himself again as a deputy sheriff and told Moore that he would shoot the dog if he did not pull it back. Moore repeatedly yelled, "You ain't no fucking police. Get the fuck away from here." Ramirez believed that Moore was either mentally unstable or under the influence of alcohol or drugs.

Moore began to stand up from his crouched position and advanced toward Ramirez while yelling profanities. Ramirez ordered Moore to, "Stay down." Moore continued to move in the deputy's direction. Ramirez "push kicked" Moore on his chest in order to keep a safe distance between them. Moore knelt back down in the tent opening and flipped open a knife with his left hand. Ramirez ordered Moore to put the knife down. Moore responded, "Fuck you, you ain't the police." As Ramirez repeated his commands, Moore raised himself onto one knee and extended the knife toward the deputy. Moore stood up and lunged toward Ramirez with the knife still out in his left hand. In fear for his life, Ramirez fired his service weapon two times, striking Moore.

At the time of the shooting, DeLeon was climbing down the cliff behind Ramirez. She observed Moore on all fours at the tent entrance. He lurched toward Ramirez who was eight feet in front of Moore. Ramirez yelled, "Get back!" It sounded to DeLeon as if Ramirez felt threatened. Ramirez fired his service weapon twice at Moore. After the shots were fired, DeLeon saw an opened knife attached to Moore's belt. DeLeon watched Moore while Ramirez called for assistance. The pit bull retreated back into the tent.

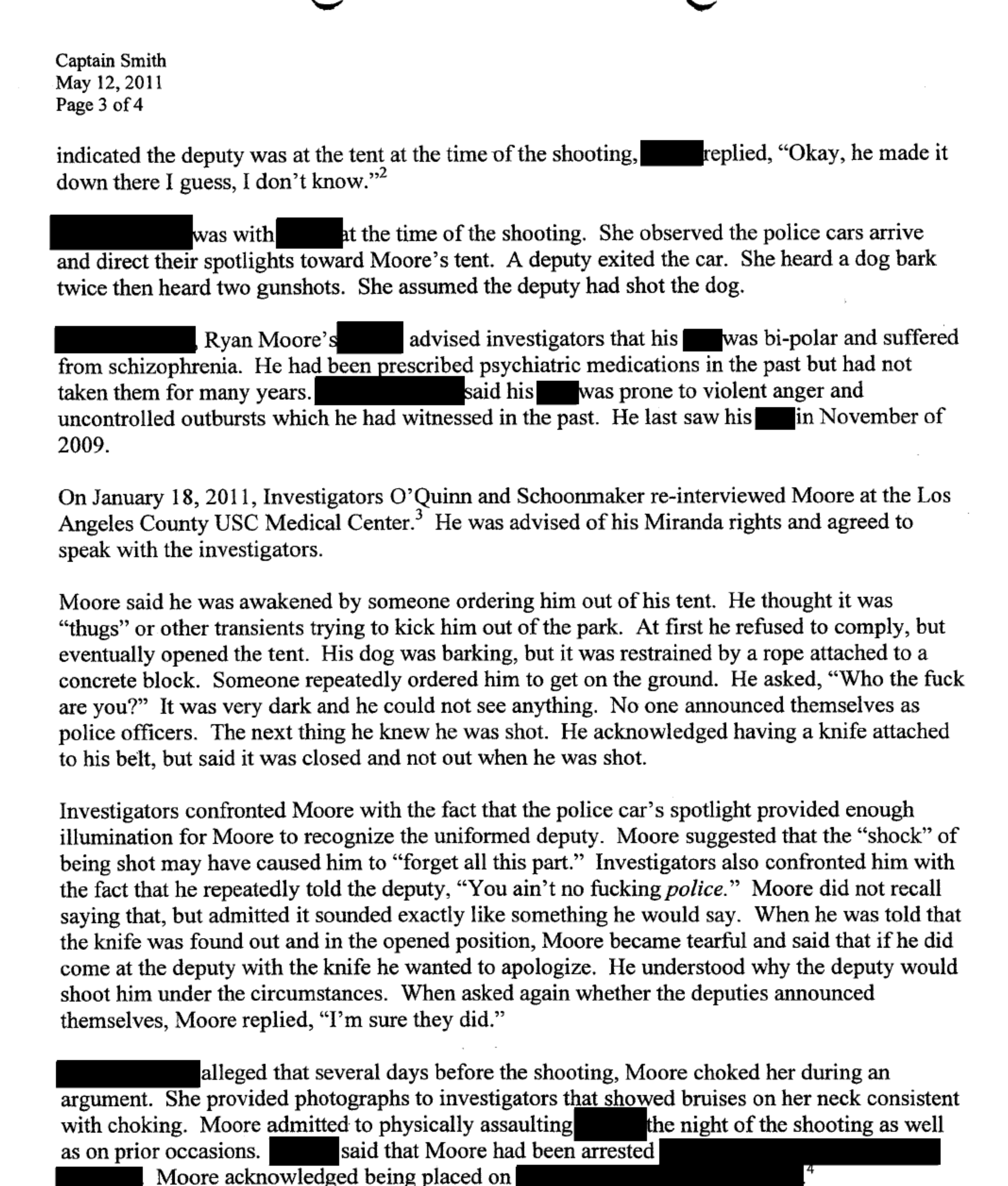
Deputy Ramirez recovered the knife which was attached to Moore's belt by a lanyard. It was a folding knife with a three and a half inch serrated blade.

Moore was transported to Los Angeles County USC Medical Center and treated for two gunshot wounds to the chest and abdomen.

[redacted] also lived in Peck Park. He said he was not in a position to see the shooting which occurred several hundred feet away from him. He did observe the deputies park their police cars on the road above Moore's campsite. The male deputy climbed down the rocks toward Moore's tent. He heard a dog bark then heard two gun shots. At first, [redacted] believed the deputy was still on the rocks when he fired. However, when investigators advised him that the physical evidence

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[1] DeLeon and Ramirez parked their vehicles on a road that ran above the dirt embankment and reservoir. They had to climb down an approximately ten foot cliff made of large boulders in order to reach the tent.



indicated the deputy was at the tent at the time of the shooting, [redacted] replied, “Okay, he made it down there I guess, I don’t know.”[2]

[redacted] was with [redacted] at the time of the shooting. She observed the police cars arrive and direct their spotlights toward Moore’s tent. A deputy exited the car. She heard a dog bark twice then heard two gunshots. She assumed the deputy had shot the dog.

[redacted], Ryan Moore’s [redacted] advised investigators that his [redacted] was bi-polar and suffered from schizophrenia. He had been prescribed psychiatric medications in the past but had not taken them for many years. [redacted] said his [redacted] was prone to violent anger and uncontrolled outbursts which he had witnessed in the past. He last saw his [redacted] in November of 2009.

On January 18, 2011, Investigators O’Quinn and Schoonmaker re-interviewed Moore at the Los Angeles County USC Medical Center.[3] He was advised of his Miranda rights and agreed to speak with the investigators.

Moore said he was awakened by someone ordering him out of his tent. He thought it was “thugs” or other transients trying to kick him out of the park. At first he refused to comply, but eventually opened the tent. His dog was barking, but it was restrained by a rope attached to a concrete block. Someone repeatedly ordered him to get on the ground. He asked, “Who the fuck are you?” It was very dark and he could not see anything. No one announced themselves as police officers. The next thing he knew he was shot. He acknowledged having a knife attached to his belt, but said it was closed and not out when he was shot.

Investigators confronted Moore with the fact that the police car’s spotlight provided enough illumination for Moore to recognize the uniformed deputy. Moore suggested that the “shock” of being shot may have caused him to “forget all this part.” Investigators also confronted him with the fact that he repeatedly told the deputy, “You ain’t no fucking *police*.” Moore did not recall saying that, but admitted it sounded exactly like something he would say. When he was told that the knife was found out and in the opened position, Moore became tearful and said that if he did come at the deputy with the knife he wanted to apologize. He understood why the deputy would shoot him under the circumstances. When asked again whether the deputies announced themselves, Moore replied, “I’m sure they did.”

[redacted] alleged that several days before the shooting, Moore choked her during an argument. She provided photographs to investigators that showed bruises on her neck consistent with choking. Moore admitted to physically assaulting [redacted] the night of the shooting as well as on prior occasions. [redacted] said that Moore had been arrested [redacted]. Moore acknowledged being placed on [redacted].[4]

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[2] Two casings matching the ammunition used by Ramirez were recovered near Moore’s tent.
[3] Investigators attempted to interview Moore on January 11, 2011, when Moore could only communicate by nodding and shaking his head. At the investigator’s suggestion, Moore requested that the investigators return at a later date.

On January 12, 2011, Moore was charged in case GA082221 with three felony counts: assault with a deadly weapon on a peace officer, corporal injury on a cohabitant and assault with a deadly weapon. A preliminary hearing setting date is scheduled for May 18, 2011.

CONCLUSION

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.
[See *California Criminal Jury Instructions—CALCRIM 505*]

The evidence examined shows that Ryan Moore assaulted [redacted] with a rock, board and plastic chair. When Deputy Ramirez encountered Moore, Moore did not believe he was a deputy sheriff and lunged at him with a knife. Ramirez, in fear for his life, responded with deadly force.

We find that Deputy Alejandro Ramirez acted in lawful self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Deborah Escobar

DEBORAH ESCOBAR
Deputy District Attorney
(213) 974-3888

c: Deputy Alejandro Ramirez #[redacted]

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[4] The Portland Police Department domestic violence reports reference a prior [redacted] by Moore in Oregon. [redacted].